

Before the
Federal Communications Commission
Washington DC

In the matter of:

Amendment of the FM Table of
Allotments, §73.202
(Nogales, Patagonia & Vail, AZ)

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MM Docket 00-31
RM-9815

REPLY COMMENTS OF REC NETWORKS

REC Networks, through it's wholly owned entity The Arizona Microradio Association (collectively, "REC") files the following reply comments in the above captioned proceeding.

In this proceeding, Desert West Air Ranchers ("Desert West") had petitioned for the substitution of Channel 252A (international A¹) at Nogales, Arizona for Channel 253A (international AA²) at Vail, Arizona. REC opposed the proposal citing the displacement of the only American commercial station³ in the Nogales Bi-National Market. REC instead, suggested some ways to bring Vail it's first aural service while maintaining a level of service at Nogales⁴.

Based on the fact that REC did not state that they would file for a channel, REC's suggestions should be considered strictly as guidance and not an official counterproposal.

1 – KZNO is currently reported internationally as Class A, which assumes maximum facilities of 3kw at 100m HAAT.

2 – Desert West's proposed facilities at Vail would be reported internationally as Class AA, which assumes maximum facilities of 6kw at 100m HAAT.

3 – We noted that there is a second allotment in Nogales on Channel 256A (99.1) that is currently dark. REC is concerned that since there are no commercial stations on the United States side of the border in the Nogales area, this would cause a severe impact as stations in Mexico are not subject to FCC regulations, especially those pertaining to the Emergency Alert System.

4 – In our original comments in this proceeding, we recommended that Channel 300A may be assigned to Nogales, Arizona as a replacement channel or Channel 267A could be assigned to Vail as their first aural service. Based on Big Broadcasting's counterproposal, we withdraw our suggestion to allot these two channels in favor of Big's counterproposal.

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Big Broadcast's counterproposal for Vail.

In comments, Big Broadcast of Arizona ("Big") suggested a different site location for Channel 253A at Vail. The alternate site would allow Channel 252A(A) to operate in Nogales while allowing Channel 253A(AA) to operate in Vail.

REC feels that this proposal warrants consideration. This proposal will permit Vail, a growing community in Pima County to get their first aural service⁵ while maintaining the vital service provided by KZNO in Nogales.

REC feels that the allotment of a new channel in lieu of a substitution is ethically the better choice as it permits competitive bidding for the new channel instead of allowing an incumbent broadcaster a free ride to Tucson.

The assignment of Channel 253A at Vail at the site counterproposed by Big would not cause any adverse affect to the future establishment of the Low Power FM (LPFM) radio service⁶ in Vail.

5 – In our original comments, REC supported the fact that Vail, Arizona should be eligible for an allotment. Based on the comments received, this fact is not in dispute.

6 – In Vail, the following channels could still be available for interference free LP-100 stations: 243 (94.3), 266 (101.1), 272 (102.3), 278 (103.3) and 285 (104.3). This is based on the Census designated location (32.0356 NL, 110.8837 WL) and not the proposed or counterproposed transmitter site.

Desert West's counterproposal for Patagonia.

In their comments, Desert West proposed that contingent of their move of Channel 253A to Vail-Tucson, they are proposing to allot Channel 251A to Patagonia, AZ as their first aural service. Patagonia is the second largest community in Santa Cruz County next to Nogales and based on the evidence presented by the petitioner, could qualify as a community for allotment purposes.

REC is concerned that even though Patagonia definitely deserves an allotment, it is still being done at the expense of the only local commercial station in Santa Cruz County.

Since the 60dBu contour of the proposed location in Patagonia does not encompass the Nogales area⁷, we feel that Patagonia should be considered as an enhancement to the FM radio service in Santa Cruz County, instead of a "replacement" for KZNO in Nogales. However, without the removal of Channel 252A at Nogales, no channel could be allotted to Patagonia that would meet distance spacing rules including Mexican short spacing.

If Channel 252A is removed from Nogales, it still has the potential of leaving Nogales without a full time aural service until a future auction and then construction of the new station at Patagonia or the additional allotment at Nogales⁸.

7 – See maps in the engineering report of Desert West's comments.

8 – This whole proceeding gets us wondering what Desert West is really trying to accomplish with this move to Vail. One possible theory: Desert West gets the approval to move KZNO to Vail. Desert West then purchases the CP for the other Nogales station (after it is renewed of course) and then constructs that station. Desert West now has a superior facility in Nogales and "I-19 coverage" between Tucson and Nogales. We can not understand why an American station can not compete in the Nogales market. Maybe with a full 6kw, they will have a better chance.

Based on the Census designated location for Patagonia (31.543 NL – 111.748 WL), Channels 263 and 267 are available for 100 watt Low Power FM stations.

KNOG-FM should be discounted as a “local” service.

In their comments, Desert West makes note that Nogales would still receive local broadcasting service from KNOG-FM. KNOG-FM is owned by World Radio Network (“World”), a chain of full power stations. REC questions the ability of World to provide a true local radio service⁹ to Nogales in the same manner that KZNO can.

Conclusions.

In this pleading, REC has shown that the public interest would be best served by:

- Maintaining the vital service provided by KZNO in Nogales.
- Supporting the fact that Channel 253A can be assigned to Vail using the coordinates counterproposed by Big.
- Allowing Channel 253A at Vail to be open for applications and mutually exclusive applications will be settled by auction.
- Allowing Desert West to bid for Channel 253A at Vail instead of allowing them to have a free ride into Tucson at the expense of Nogales and the rest of Santa Cruz County.
- KNOG is a satellite station and does not provide a “full local service” to Nogales and should not be considered as a “replacement” for KZNO in Nogales.

9 – To us, a “local service” is the maintenance of a local studio with local personalities discussing issues of local as well as world importance. We feel that satellite fed stations like this are unable to maintain a superior grade of local service outside their key station’s city of license.

REC Networks, therefore encourages the Commission to DENY the petition by Desert West and to ACCEPT the counterproposal by Big to allot Channel 253A to Vail with the site restriction shown in their comments.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Richard-Michelle Eyre', with a stylized flourish at the end.

Richard-Michelle Eyre
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CERTIFICATE OF SERVICE

This is to certify that a copy of this pleading will be served via U S Mail to the following:

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